

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. J-06/09-303
)
 Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Office of Vermont Health Access (OVHA) denying her daughter Medicaid coverage for nutritional counseling. The issue is whether nutritional counselors are covered medical service providers under Medicaid. The facts are not in dispute.

DISCUSSION

The petitioner's daughter is a Medicaid recipient who suffers from an eating disorder. She has been advised by her doctors to seek "nutritional counseling" to help her choose a healthy diet. The only such provider the petitioner has been able to find who will work with children her daughter's age is an "independent" nutritional counselor in New Hampshire. Neither New Hampshire nor Vermont recognizes or regulates independent nutritional counselors as licensed medical providers.

In Vermont, nutritional services are usually considered part of physicians' practices. The petitioner, who lives in

an extremely rural part of the state, has been unable to locate a physician that offers such services. The Department has indicated it would cover such services under Medicaid if they were provided within the practice of a physician, a licensed mental health provider, or on an out-patient basis by a hospital or clinic.¹

ORDER

The Department's decision is affirmed.

REASONS

Section M600 of the Medicaid regulations provides: "Medicaid payment for covered services is limited to physicians and other specified practitioners licensed by the appropriate licensing agency of the state." Inasmuch as the Department's decision denying Medicaid payments to an unlicensed nutritional counselor is in accordance with its regulations, the Board is bound to uphold the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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¹ It is not clear how far afield in Vermont the petitioner has looked for a physician or licensed therapist who could provide this service for her daughter, or whether she has attempted to enlist the Department's help in this regard. It would appear that Medicaid could also cover transportation expenses to travel to appointments with such a doctor.